

**DETAILED ACTION**

***Status Of Claims***

1. In the response filed on 6/29/2009, claims 1-21 stands and are currently pending in the application.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 10, 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. (US 5,134,277) in view of Kulha et al. (US 5,973,611).

Regarding Claim 1, Yerbury discloses *Remote Data Transfer System With Ambient Light Insensitive Circuitry* that teaches the following claimed limitations:

Claimed method for increasing the security of passive transponder systems employing wireless transmission between at least one base station and at least one personal device that a person can carry with him or her to establish that the personal device is spatially close to the base station to provide secured access, the method comprising providing signaling perceptible to a human as part of a communication between the base station and the personal device is met by the system of Yerbury

comprising an optical interrogator (2) and a tag (1) attached to objects, such as packages and containers (see Col. 1 Ins 17-20). It is inherent that the packages can be carried by a person. In addition, the optical interrogator comprising a light source to be transmitted to a tag (1), wherein the tag (1) comprises a photovoltaic array (16) that is activated by detection of light from the interrogator (8) (see Col. 4 Ins 65=68 and Col. 5 Ins 17-20);

Claimed analyzing the perceptible signaling to verify compatibility of the personal device and the base station is met by the system of Yerbury wherein the tag (1) detects incoming light pulses and converts them to electrical signals (see Col. 5 Ins 34-65), thus verifying that the perceptible signal is analyzed.

Yerbury, while suggesting RFID technology, does not disclose a passive transponder system. Rather, Yerbury discloses a system wherein the tag (1) comprises a battery cell (21) (See Col.5 Ins 52-54), which would make it an active system. However, it is well known in the art to implement passive systems due to the advantageous of not using a power supply thus making the system cheaper to produce. Kulha discloses *Hands-Free Remote Entry System* that teaches an entry system (10) comprising a base transceiver (12) and a fob or portable transceiver (14) and wherein the transceivers (12) consists of wake-up sensors (20) that detect objects within zones upon sensing an object with the one of the sensors (20). The microprocessor (16) of the transceiver (12) transmits wake-up information and data to the fob transceiver and in turn receives identification and data signals from the fob transceiver (14) (See Col. 3 Ins 1-10 and Col. 3 Ins 34-52). Therefore, it would have been obvious to one of ordinary

skill in the art to incorporate the teachings of Kulha into the system of Yerbury to implement a passive system so that the system is cheaper to produce.

Regarding Claim 2, the combination of Yerbury and Kulha discloses all of the claimed limitations: Claimed perceptible signaling is emitted from the base station is met by the system of Yerbury wherein the light source is emitted from the interrogator (2) (See Col. 4 Ins 64-68).

Regarding Claim 3, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 4, the signal transmitted by the activated tag transponder is an encoded signal. The signal is received and decoded by a radio receiver (3) (see Col. 5 Ins 60-65).. Since the signal is encoded, it would have been obvious to one of ordinary skill in the art to have readily recognized that the tag (1) concludes communication with the interrogator (8) in a secure manner.

Regarding Claim 5, the combination of Yerbury and Kulha discloses all of the claimed limitations: Kulha discloses a system that includes a portable transceiver (14) comprising a microprocessor (36) and various peripheral outputs (48). The processor (36) drives the various peripheral outputs (48). The peripheral outputs (48) consists of audible and visual warnings located on the fob transceiver (14) such as beepers or LED's which are used to communicate to the user (See Col. 3 Ins 53 - Col. 4 Ins 11).

Regarding Claim 10, the claim is interpreted and rejected as claim 5 stated above.

Regarding Claim 14, the claim is interpreted and rejected as claim 1 stated above. In addition, claimed communication array is met by the system of Kulha wherein the base transceiver (12) communicates with the portable transceiver (14).

Regarding Claim 15, the claim is interpreted and rejected as claims 1, 5 and 14 stated above.

Regarding Claim 18, the combination of Yerbury and Kulha discloses all of the claimed limitations: Claimed personal device includes a control for triggering an alarm is met by the system of Kulha wherein the transceiver (14) comprising a microprocessor (36) and various peripheral outputs (48). The processor (36) drives the various peripheral outputs (48). The peripheral outputs (48) consists of audible and visual warnings located on the fob transceiver (14) such as beepers or LED's which are used to communicate to the user (See Col. 3 Ins 53 - Col. 4 Ins 11).

Regarding Claim 19, the claim is interpreted and rejected as claims 1 and 2 stated above.

4. Claims 6-8, 11-13, 16, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. and Kulha et al. and further in view of Macfarlane (US 2003/0231550).

Regarding Claim 6, the combination of Yerbury and Kulha do not specifically disclose a system wherein the base station receives and analyzes at least part of the perceptible signaling. Rather, Yerbury discloses a system wherein the base station emits a perceptible signal and is analyzed by the transponder/tag (1). However,

Macfarlane discloses *Personalized Key System For A Mobile Vehicle* that teaches a system comprising a key fob (120/220), a mobile vehicle (110). The mobile vehicle (110) includes a telematics unit (130) to perform functions within the mobile vehicle (110) (see paras [0015 0016 0033]). The key fob (220) includes mechanism to transmit voice commands to the telematics unit (130) within the mobile vehicle (110), thereby requesting that certain functions be performed within the vehicle to be further processed (See paras [0033 0035]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Macfarlane into the system(s) of Yerbury and Kulha for the advantage of offering greater customization and a larger variety of vehicle settings and service available to the user outside the vehicle.

Regarding Claim 7, the combination of Yerbury, Kulha and Macfarlane discloses all of the claimed limitations. Macfarlane discloses a system wherein the key fob (120) initiates a voice command that is received by the telematics unit (130), and a function message that is relayed to the appropriate equipment or controllers in the mobile vehicle to perform a requested function (See paras [0028]).

Regarding Claim 8, Kulha discloses a system wherein the portable transceiver includes switch/keypad inputs (38) to allow a user to manually actuate the fob transceiver (see Col. 3 Ins 58-60). Therefore, the actuator also serves the purpose to deactivate the portable transceiver via the switch/keypad inputs (38).

Regarding Claim 11, Kulha discloses a system wherein the user is carrying a portable transceiver (14) communicates with the base transceiver (12) only when the portable transceiver (14) is within range. If the portable transceiver (14) is not in range,

then the functionality of unlocking/locking of the vehicle doors cannot be performed until the perceptible signal, i.e. the peripheral outputs (48) of the portable transceiver, has been activated, thus meeting the claimed limitations.

Regarding Claim 12, Macfarlane discloses a system wherein the voice commands are transmitted to the telematics unit of the vehicle, where the signals are digitized and compared to a list of stored messages to determine the corresponding function message (see paras [0035]). It would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]).

Regarding Claim 13, Kulha discloses a system wherein the wake-up sensors (20) are utilized to detect approaching objects within various zones about the vehicle (see Col. 3 Ins 10-52).

Regarding Claim 16, the claim is interpreted and rejected as claim 8 stated above.

Regarding Claim 17, as indicated above in the rejection of claim 12, it would have been obvious to one of ordinary skill in the art to have readily recognized that if the telematic unit does not recognize the signal, the device is prevented from operating the functionality of the vehicle (see paras [0035]). In essence, this is a protective measure to prevent unauthorized entry.

Regarding Claim 20, the claim is interpreted and rejected as claim 12 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claims 1, 5 and 8 stated above.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yerbury et al. and Kulha et al. and further in view of Wallace (US 5,684,337).

Regarding Claim 9, the combination of Yerbury and Kulha do not specifically disclose a system wherein an absence of signaling and/or altered signaling at the personal device indicates an operating fault in the transmission process. However, Wallace discloses *Keyless Vehicle Entry Receiver Having A Diagnostic Mode Of Operation Wherein A Code Comparison Is Not Performed* that teaches a system to detect whether a malfunction in the transmitter exists (see Col. 4 Ins25-67). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Wallace into the system(s) of Yerbury and Kulha for the purpose of determining whether a malfunction exists, so that action can be taken to rectify the situation.

#### ***Response to Arguments***

6. In the remarks filed 6/29/2009, applicant presents the following arguments:

1) Arguments regarding Claims 1, 14, 15 and 21, applicant argues that the proposed combination of Yerbury and Kulka would change the principle of identification. Applicant argues that since Yerbury teaches light beam interrogation and since Kulha

teaches a wake-up signal, combining the two references would eliminate the functionality of the light beam interrogation system.

In addition, applicant argues that the proposed combination would render the prior art unsatisfactory for its intended purpose. Applicant argues that, since Yerbury teaches identification of a target with a corresponding transponder from a distance, it would be unsatisfactory to incorporate a zone-based passive system (Kulha) into the system of Yerbury.

2) Arguments regarding claims 5 and 6, applicant argues argument the combination of Yerbury and Kulha does not teach that the perceptible signaling is emitted from the personal device.

3) Arguments regarding Claim 7, applicant argues that the combination of Yerbury, Kulha and Macfarlane does not teach or suggest a perceptible signal as communication between the personal device and the base station.

## **7. RESPONSE**

1) Response to arguments regarding Claims 1, 14, 15 and 21, the system of Yerbury pertains to an active system. The system comprises a trigger (or an optical interrogator) that is transmitted to a tag. The tag comprises a battery cell (21), which

would imply that it is an active system. The Kulha reference was used to show that passive tags are well known in the art and that they are advantageous over the active system. The Kulha reference does not destroy the Yerbury reference nor does it make the combination unsatisfactory, but merely shows that the Yerbury reference can be modified using the techniques of Kulha and still perform the same functionality. Therefore, the arguments presented are not persuasive and the rejection to claims 1, 14, 15 and 21 stands.

2) Response to arguments regarding Claims 5 and 6, as stated above, Kulha discloses a system wherein the portable transceiver comprises a various peripheral outputs. The peripheral outputs consist of audible and visual warnings located on the fob transceiver such as beepers or LED's. This meets the claim language that the perceptible signaling is emitted from the personal device. In addition, Yerbury discloses (as stated in claim 1) that the light source is emitted from the optical interrogator. Furthermore, the optical interrogator can interpreted as a personal device. Therefore, the arguments are not persuasive and the rejection to claim 5 stands.

3) Response to arguments regarding Claim 7, as stated above, Macfarlene discloses a system wherein the key fob (120) may initiate service request to call center (180) by sending a voice command to telematic unit (130) (see paras [0028]). The voice command transmitted to the telematic unit (130), by inherency is human perceptible. Macfarlane did not limit the invention by stating that the command transmitted from the

fob to telematic unit was strictly a data signal that The signal transmitted also included human perceptible indication in the form of a voice command, which is transmitted by a personal device [the Key Fob]. Therefore, applicant's arguments are not persuasive and the rejection to claim 7 stands.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davetta W. Goins can be reached on (571)272-2957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Edny Labbees  
10/16/2009

/Davetta W. Goins/  
Primary Examiner, Art Unit 2612